

132. (Previously presented) The gate electrode of claim 131 wherein said thick fourth spacers comprise a nitride.

133. (Previously presented) The gate electrode of claim 132 wherein said polycide comprises titanium salicide (TiSi₂).

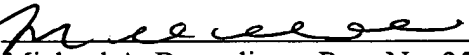
REMARKS

In the Office Action mailed November 4, 2003, the Examiner rejected claims 31, and 126-133 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,593,633.

In response, the Applicant has filed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, it is respectfully submitted that the Terminal Disclaimer overcomes the obviousness-type double patenting rejection of claims 31 and 126-133. Thus, it is respectfully submitted that claims 31, and 123-133 are now in condition for allowance, which action is earnestly solicited.

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 2/3/04 By: 
Michael A. Bernadicou, Reg. No. 35,934

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

Chia-Hong Jan
Application No.: 09/477,870

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Examiner: Douglas Owens
Art Unit: 2811